

D R A F T

Dear _____:

It is anticipated that a resolution of disapproval of the President's veto of H.R. 12471, a bill amending the Freedom of Information, will be scheduled for consideration this week.

We are enlisting your support on two fronts. First, we urge you to vote to uphold the President's veto of H.R. 12471. Second, we ask for your support of a new Freedom of Information bill that retains the favorable features of H.R. 12471 and also incorporates the amendments proposed by the President. These two votes will ensure that we pass legislation that encompasses, balances and protects all of the rights of the individual and the needs of our government.

In enlisting your support, we wish to make it clear that a vote in support of the President's veto does not, in any way, reflect a rejection of a commitment to the ideals of the Freedom of Information Act. Indeed, it is our conviction that the citizen should be granted the fullest access to the records of Federal agencies that the right of privacy and effective government will permit.

It is our concern, however, that the fundamental rights of privacy and personal security and the interest of us all in maintaining military, intelligence and diplomatic secrets in confidence could be adversely affected if this bill were to be approved over the President's veto.

We do not believe that a court should be granted the authority to disclose a classified document where there is a reasonable basis for

the classification, as H.R. 12471 presently provides. Only if the judge should find that there is no reasonable basis for the classification, should he be authorized to disclose the document.

We are also concerned that the confidentiality of many millions of pages of FBI and other investigatory law enforcement files could be jeopardized if the agency would be compelled to disclose documents at the request of any person unless it could prove that disclosure "would" cause a type of harm specified in the amendment. It is extremely difficult, if not impossible, to determine that the release of a paragraph or a line in a document "would" invade a person's right to privacy or "would" impair an investigation.

A vote in support of the veto will ensure that these objectionable features of the bill will not become law. In turn, a vote in support of an amended bill will fulfill the commitment of us all to the disclosure of the greatest amount of information consistent with the right of privacy, our nation's foreign policy and defense and, in general, good government.

Sincerely,